

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Appellant: Robert D. Feldman, et al.	§	
	§	
Serial No.: 10/092,746	§	Group Art Unit: 2613
	§	
Confirmation No.: 2870	§	Examiner: Wang, Quan Zhen
	§	
Filed: March 7, 2002	§	
	§	
For: METHOD AND APPARATUS	§	
FOR AUTOMATICALLY	§	
CONTROLLING OPTICAL	§	
SIGNAL POWER IN OPTICAL	§	
TRANSMISSION SYSTEM		

MAIL STOP APPEAL BRIEF - PATENTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**AMENDED APPEAL BRIEF**

In response to the April 1, 2008 Notification of Non-Compliant Appeal Brief, Appellant hereby submits an Amended *Summary of Claimed Subject Matter* Appeal Brief section to the Board of Patent Appeals and Interferences, superseding the *Summary of Claimed Subject Matter* section of the Appeal Brief filed March 25, 2008. The \$510 Appeal Brief filing fee was paid. Although Appellant does not believe that any other fees are due, in the event Appellant is incorrect, the Commissioner is authorized to charge any fee(s) required to make this filing timely and complete, including extension of time fees if any arise, to Deposit Account No. 20-0782/LCNT/**124417**.

**Amended Summary of Claimed Subject Matter**

**Responsive to April 1, 2008 Notice of Non-Compliant Appeal Brief**

Various embodiments generally relate to a system for aligning a transmitter and receiver for direct, line-of-sight communications. More specifically, various embodiments include techniques and hardware configurations for utilizing a laser beam to align a wireless transmitter (i.e. transmitting antenna) and wireless receiver (i.e. transmitting antenna).

For convenience of the Board of Patent Appeals and Interferences, Appellant's independent claims 1 and 11 are presented below with citations to various figures and appropriate citations to at least one portion of the specification for elements of the appealed claims.

1. (previously presented) A method, comprising:

reducing the power level of an optical data signal (112) propagating in an optical fiber path (110) in response to a loss of a counter-propagating supervisory signal (114) in the optical fiber path (page 4, lines 24-29);

reducing counter-propagating optical power in response to a loss of the optical data signal (page 8, lines 15-19); and

responsive to the loss of the optical data signal, reducing counter-propagating optical signal power output from at least one additional network element (102, 108, 116) by a predetermined amount (page 8, lines 9-27).

10. (previously presented) A method, comprising:

a) detecting loss of a supervisory signal (114) counter-propagating in an optical fiber path (110) at a first network element (page 5, lines 6-8);

b) responsive to the loss of the supervisory signal in the optical fiber path, reducing the power level of an optical data signal (112) output to the optical fiber path from the first network element by a predetermined amount (page 4, lines 24-29);

c) detecting loss of the optical data signal propagating in the optical fiber path at a second network element (102, 108, 116; page 8, lines 9-27);

d) responsive to the loss of the optical data signal, reducing counter-propagating optical power output from the second network element by a predetermined amount (page 8, lines 9-27); and

e) responsive to the loss of the optical data signal, reducing counter-propagating optical signal power output from a third network element (102, 108, 116) by a predetermined amount (page 8, lines 9-27).

16. (previously presented) A network element adapted for use in an optical transmission system, comprising (page 5, line 24 to page 6, line 4):

a first gain element (209), for providing an upstream optical signal (112) to an upstream optical fiber path (110);

a controller (202), for reducing the power level of the upstream optical signal generated by the first gain element to the upstream optical fiber path in response to the absence of a counter-propagating supervisory signal (114) in the upstream optical fiber path;

a second gain element (211), for providing a counter-propagating downstream optical signal to an downstream optical fiber path (110); and

the controller (202), for reducing the power level of the counter-propagating downstream optical signal generated by the second gain element to the downstream optical fiber path in response to the loss of an optical signal propagating in the downstream optical fiber path, wherein the controller, in response to the absence of the counter-propagating supervisory signal, provides an indication to a downstream network element that the supervisory signal is absent.

20. (previously presented) In a lightwave communication system having a plurality of network elements (102, 108, 116) for supplying an optical signal (112) adapted for transmission in an optical fiber path (110), an apparatus for controlling power of an optical signal propagating in the optical fiber path comprising:

means for detecting loss of a supervisory signal counter-propagating in the optical fiber path (page 7, lines 6-9);

a first automatic power reduction circuit (118; page 4, lines 16-18) for reducing the power level of an optical data signal output to the optical fiber path from a first network element by a predetermined amount in response to the loss of the supervisory signal in the optical fiber path (page 4, lines 26-29);

means for detecting loss of the optical data signal propagating in the optical fiber path (page 7, lines 28-32);

a second automatic power reduction circuit (118; page 4, lines 16-18) for reducing counter-propagating optical power output from a second network element by a predetermined amount in response to the loss of the optical data signal (page 8, lines 15-19); and

a controller (202), in response to the absence of the counter-propagating supervisory signal, provides an indication to a third network element that the supervisory signal is absent (page 6, line 11 to page 7, line 5).

## **CONCLUSION**

The Appellant respectfully submits the above amendments have addressed the issues raised in the April 1, 2008 Notice of Non-Compliant Appeal Brief and place the brief in condition for acceptance by the Board of Patent Appeals and Interferences.

As indicated in the associated Appeal Brief filed March 25, 2008, the Appellant respectfully submits that none of the claims presently in the application are obvious under the respective provisions of 35 U.S.C. §103. Consequently, the Appellant believes all these claims are presently in condition for allowance.

For the reasons advanced above, Appellant respectfully urges that the rejections of claims 1-9, 11-13, 15 and 20-21 as being anticipated and obvious under the respective provisions of 35 U.S.C. §102 and §103 are improper. Reversal of the rejections of the Final Office Action is respectfully requested.

Respectfully submitted,

4/18/08  
Date

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